

IN RE: PETITION FOR VARIANCE	* BEFORE THE
SW/Corner Wise Avenue & Lynch Road	
(7845 Wise Avenue)	* DEPUTY ZONING COMMISSIONER
12th Election District	
7th Councilmanic District	* OF BALTIMORE COUNTY
Zimmer Development Company	* Case No. 96-208-A
of Maryland, Inc.	
Petitioner	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7845 Wise Avenue, located in the vicinity of Lynch Road in Dundalk. The Petition was filed by the owner of the property, Zimmer Development Company of Maryland, Inc., by Jeffrey L. Zimmer, through his attorney, Thomas J. Gisriel, Esquire. The Petitioner seeks relief from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12 feet in lieu of the required front average of 84 feet, and from Section 409.6 of the B.C.Z.R. to permit 41 parking spaces in lieu of the required 54 for a proposed Revco Drug Store. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas F. Cofer and Bob Schemmerling, representatives of Zimmer Development Company, Inc., legal owner of the subject property, Richard L. Smith and John W. Erdman, Professional Engineers with KCI Technologies, Inc., who prepared the site plan for this project, and Thomas J. Gisriel, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.153 acres, more or less, zoned B.L.-C.N.S.,

ORDER RECEIVED FOR FILING

Date 12/29/95

By [Signature]

100-208-A

and is the site of an abandoned restaurant, gas station and retail store. The Petitioner is desirous of razing the existing structures and constructing a one-story building of 10,700 sq.ft. for use as a Revco Drug Store, in accordance with Petitioner's Exhibit 1. Due to the location of a large drainage and utility easement which runs through the western half of the subject lot, the building cannot be centered on the lot, or located to the rear of the property. Thus, the requested variance from front setback requirements is necessary. Further testimony revealed that the size of the lot and the use proposed thereon dictates that 54 parking spaces must be provided; however, due to the site constraints noted above, only 41 parking spaces are available.

Mr. Erdman, an expert traffic engineer with KCI Technologies, Inc., submitted a parking study which had been performed for Revco Drug Stores located elsewhere in Baltimore County and Baltimore City. This study concluded that the actual number of parking spaces utilized by customers at these Revco Drug Stores is far less than that which is required by the B.C.Z.R. Therefore, Mr. Erdman concluded, and his study corroborated, that the 41 spaces to be provided by the Petitioner will be more than adequate to serve the subject site.

Testimony revealed that Revco is in the process of relocating its drug store operations from strip shopping centers to freestanding sites. The Petitioner has chosen this particular site to locate one of its stores. The proposed construction will be a tremendous improvement to the abandoned uses currently on the site and be an asset to the surrounding community.

Testimony also demonstrated that the Petitioner is eliminating the previous driveway access that was located close to the intersection of

Wise Avenue and Lynch Road. This will improve traffic flow at this intersection and provide safer access to the subject site.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman,

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Date

By

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29<sup>th</sup> day of December, 1995 that the Petition for Variance seeking relief from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12 feet in lieu of the required front average of 84 feet, and from Section 409.6 of the B.C.Z.R. to permit 41 parking spaces in lieu of the required 54 for a proposed Revco Drug Store, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING

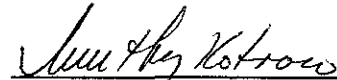
Date

By

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. A copy of the approved plan shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO

Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

December 29, 1995

Thomas J. Cisriel, Esquire  
901 Dulaney Valley Road, Suite 400  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SW/Corner Wise Avenue & Lynch Road  
(7845 Wise Avenue)  
12th Election District - 7th Councilmanic District  
Zimmer Development Company of Maryland, Inc. - Petitioner  
Case No. 96-208-A

Dear Mr. Gisriel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Messrs. Thomas F. Cofer and Bob Schenmerling, Zimmer Development Company, Inc., 111 Princes Street, Wilmington, NC 28041

Messrs. Richard L. Smith and John W. Erdman, KCI Technologies, Inc.  
10 North Park Drive, Hunt Valley, MD 21030

People's Counsel

~~Case File~~



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

7845 Wise Avenue

which is presently zoned

BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409.6 (off-street parking)  
303.2 (front yard setback)

To allow a front yard setback of 12 feet in lieu of the (Minimum) front average requirement of 84 feet and to allow 42 parking spaces in lieu of the required 54.

41

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Practical Difficulty. Strict compliance with off-street parking requirements and front yard setback would be unnecessarily burdensome. Operating experience of Revco indicates that the off-street parking provided will be sufficient for this store. The drainage and utility easement on the west side of the property make it necessary that the building be placed on the east side of the property, making the front yard setback unnecessarily

burdensome.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

Zimmer Development Company of Maryland, L.L.C.

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

Thomas J. Gisriel

(Type or Print Name)

Address

Phone No.

Signature

City

State

Zipcode

Name, Address and phone number or representative to be contacted

901 Dulaney Valley Rd.

Suite 400 (410) 938-8800

Signature

Phone No.

Baltimore,

MD

21204

State

Zipcode

Thomas J. Gisriel

Name

901 Dulaney Valley Rd., Suite 400

Address

(410) 938-8800

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

11-14-95

Printed with Soybean Ink  
on Recycled Paper

Zoning Administration

Seal of Baltimore County

ORDER RECEIVED FOR FILING

DATE 12/20/95  
BY [Signature]

206





**ZONING DESCRIPTION  
REVCO AT WISE AVENUE  
12<sup>TH</sup> ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND**

Description to accompany petition for variances at 7845 Wise Avenue.

**BEGINNING FOR THE SAME** at a point on the southerly side of Wise Avenue where it meets the fillet curve of the westerly right-of-way line of Lynch Road, 60 feet wide, thence leaving Wise Avenue and running on the west side of Lynch Road,

- 1) Southerly by a curve to the right 28.82 feet, said curve having a radius of 20 feet and a chord of South 22 degrees 27 minutes 03 seconds East 26.39 feet, thence
- 2) South 18 degrees 49 minutes 38 seconds West 182.29 feet, thence leaving Lynch Road
- 3) North 62 degrees 16 minutes 17 seconds West 215.97 feet, thence
- 4) North 28 degrees 51 minutes 04 seconds East 197.04 feet to Wise Avenue, thence
- 5) South 61 degrees 30 minutes 05 seconds East 51.10 feet and
- 6) Southeasterly by a curve to the left 112.56 feet to the point of beginning, said curve having a radius of 2894.79 feet and a chord of South 62 degrees 36 minutes 55 seconds East 112.55 feet.

Containing 0.895 acres of land more or less.

AP/tsv

01-95012

November 2, 1995



11-6-95

206

011-11-12-95

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 96-228-D  
**Towson, Maryland**

District 12th

Posted for: Verlovec

Date of Posting 12/2/95

Petitioner: Mayor Berolzheimer Co. of Md. Inc.

Location of property: 7845 Mt. Airy Ave.

Location of Signer: Facing roadway on property being owned

Remarks: \_\_\_\_\_

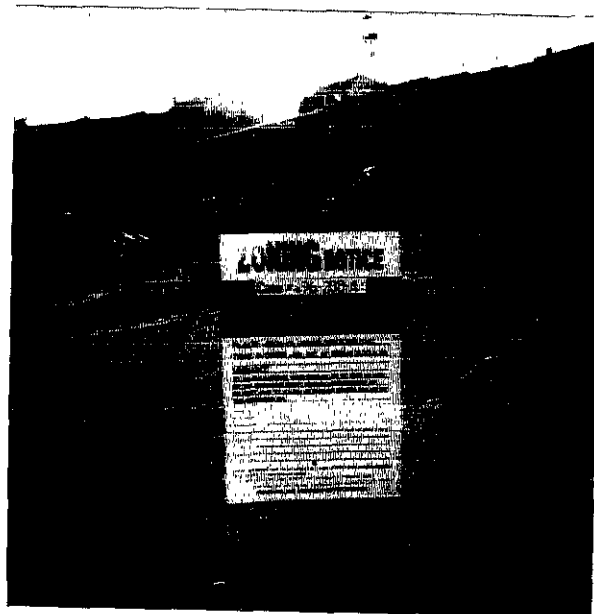
Posted by \_\_\_\_\_

Signature

Date of return: 12/8/95

Number of Signers: 1





BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

Item No. 206

099030

DATE 11-14-95 ACCOUNT R-001-6150

AMOUNT \$ 285.00

RECEIVED  
FROM:

Hodes Ulman Pessin & Kotz  
owner: Zimmer Developmt. Co. of Md, LLC  
site: 7845 Wise Ave

FOR:

#020 - Commercial Variable Filing Fee \$ 250.00  
#080 - Sign & Postage 35.00

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Total \$ 285.00



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 206  
Petitioner: Zimmer Development Company of Maryland, L.L.C.  
Location: 7845 Wise Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: THOMAS J. BISRIEL  
ADDRESS: Suite 400, 910 Dulaney Valley Road  
TOWSON, MD 21204  
PHONE NUMBER: (410) 938-8800

AJ:ggs

(Revised 04/09/93)

TO: PUTTOXENT PUBLISHING COMPANY

November 30, 1995 Issue - Jeffersonian

Please forward billing to:

Thomas J. Gisriel  
901 Dulaney Valley Road  
Suite 400  
Towson, MD 21204  
938-8800

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-208-A (Item 206)  
7845 Wise Avenue - Revco  
SWC Wise Avenue and Lynch Road  
12th Election District - 7th Councilmanic  
Legal Owner: Zimmer Development Company of Maryland, LLC

Variance to allow a front yard setback of 12 feet in lieu of the (minimum) front average requirement of 84 feet and to allow 41 parking spaces in lieu of the required 54

HEARING: FRIDAY, DECEMBER 15, 1995 at 11:00 a.m. in Room 106, County Office Building.

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LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 1, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-208-A (Item 206)  
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lieu of the (minimum) front average requirement of 84 feet and to allow 41 parking spaces in lieu of the  
required 54

HEARING: FRIDAY, DECEMBER 15, 1995 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc:

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

December 7, 1995

Thomas J. Gisriel  
901 Dulaney Valley Road  
Suite 400  
Towson, MD 21204

RE: Item No.: 206  
Case No.: 96-208-A  
Petitioner: Zimmer Development Co.

Dear Mr. Gisriel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

96-208-A  
CLOSING 12/15

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
December 14, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #206 - Revco  
7845 Wise Avenue  
Zoning Advisory Committee Meeting of November 27, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

On July 20, 1989 three (3) underground fuel storage tanks were removed and evidence of contamination was present. Consequently four (4) monitoring wells were installed and sampled for volatile organic compounds (VOC'S) by Handex in November 1989. No free phase hydrocarbons were detected but dissolved hydrocarbons were present in the groundwater beneath the site. Additional work was proposed but our file contains no recent information. This case should be under the jurisdiction of Maryland Department of the Environment (MDE).

The proposed building appears to be sited over the existing wells. It is recommended that the owner or agent contact MDE regarding the administration's disposition on this case. If the case has been formally closed by MDE, then it would be imperative that the monitoring wells be properly abandoned by a licensed well driller if this has not already been addressed. Well abandonment reports would be required. Should this case require additional work at the request of MDE, then the placement of the proposed structure may jeopardize the ability to perform the work.

/ JLP:WWE:sp

REVC02/DEPRM/TXTSBP



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Dec. 5, 1995  
Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for December 4, 1995  
Item No. 206

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the previous Limited Exemption plan comments dated 9-20-95 and 11-16-95.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/01/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 27, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 205, 206, 207, 208, 209,  
210, 211, 213 AND 214. {

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

11-28-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 206 (JSS)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

## PETITION PROBLEMS

### #170 (Revisions) — JJS

1. No telephone number for legal owner.
2. Review information on bottom of petition form not completed.

### #206 — JJS

1. Need authorization for person to sign for legal owner.
2. No address or telephone number for legal owner.

### #207 — JJS

1. Plat says legal owner is Penske Truck Leasing Company; petition says Robert E. Frankel — Which is correct??

### #208 — MJK

1. No signature for legal owners (Robert & Salvatore Yoviene).

### #210 — JCM

1. No item number on papers in folders.
2. Review information on bottom of petition form not completed.

### #214 — JJS

1. No zip code for legal owner.

RE: PETITION FOR VARIANCE	*	BEFORE THE
7845 Wise Avenue (Revco), SWC Wise Ave	*	ZONING COMMISSIONER
and Lynch Road, 12th Election District,	*	
7th Councilmanic	*	OF BALTIMORE COUNTY
Zimmer Development Co. of Maryland, LLC	*	CASE NO. 96-208-A
Petitioner	*	

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Gisriel, Esquire, 901 Dulaney Valley Road, Suite 400, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD L. SMITH  
THOMAS J. GISEL  
JOHN W. ERDMAN  
THOMAS F. COFER  
BOB SCHEMMERLING

K.C.I. TECHNOLOGIES, INC.  
901 DUNNICK VALLEY RD.  
KCI TECHNOLOGIES, INC.  
ZIMMER DEVELOPMENT  
ZIMMER DEVELOPMENT



D.R. 5.5

OUR LADY  
HOPE SCHOOL

206

BL ZONING MAP  
SE-3-F  
SCALE: 1"=200'  
D.R. 5.5

SUBJECT SITE  
BL- CNS

89-159-SPHXA

91-236-A  
16-20

D.R. 105

TRANSMISSION

SCHOOL

SUSQUEHANNA

CHURCH

KENTLEY

KAVANAGH

HAROLD

KAVANAGH RD

BL- CNS

WISSE AVENUE

WISSE

ROAD

LYNCH

DIEHLWOOD

(SHEET SE 4-F)

**SUMMARY OF TESTIMONY****PARKING SUPPLY**

<u>Location</u>	<u># Spaces Provided</u>	<u>Store Size</u>	<u>Max # Spaces Occupied</u>	<u>Max. # Customers Per Hour</u>
6910 Harford Road	27	8,050	16	39
1725 Dundalk Avenue #2712	24	10,766	13	44
Liberty/Rolling Roads	44	9,960	24	—
Edmondson Avenue/Winters Lane	41	10,650	22	—
Wise Avenue/Lynch Road	41	10,700	—	—

**PARKING RATIOS**

<u>Location</u>	<u># Spaces Provided</u>	<u>Store Size</u>	<u># Spaces 1,000 SF</u>
6910 Harford Road #366	27	8,050	3.35
1725 Dundalk Avenue #2712	24	10,766	2.23
Liberty/Rolling Roads	44	9,960	4.42
Edmondson Avenue/Winters Lane	41	10,650	3.85
Wise Avenue/Lynch Road	41	10,700	3.83*
BCZR	—	—	5

\*77% of BCZR

RECEIVED  
EXHIBIT 2



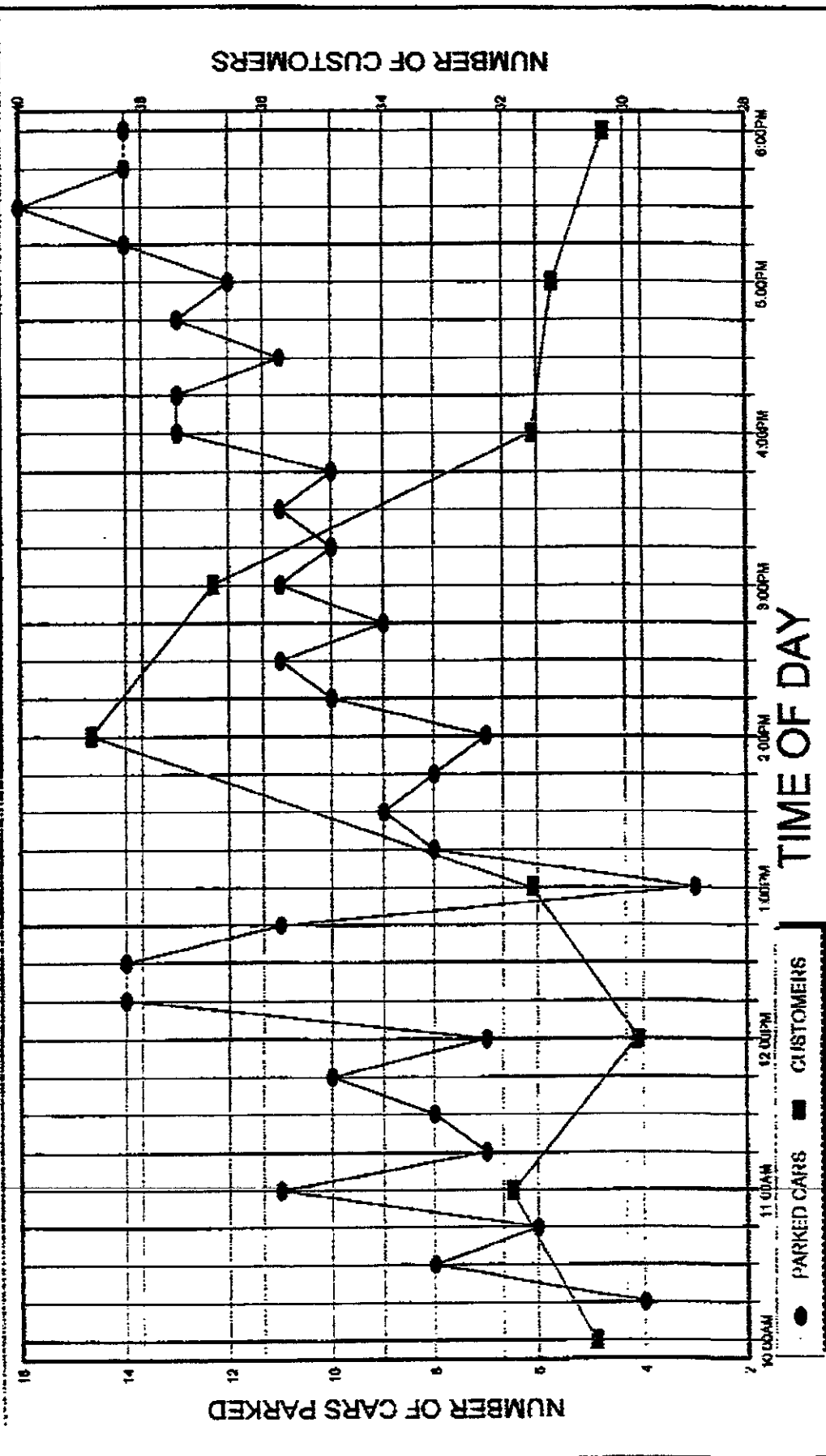
# KCI TECHNOLOGIES, INC.

ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
MOUNT VALLEY, AR 24030-1888  
(410) 316-7900

LOCATION: BRVCO, 6910 IARFORD ROAD  
LAND USE TYPE: DRUG STORE  
LOT CAPACITY: 25 MARKED AND 2 HC  
DATE: 11/17/94  
DAY: THURS.  
TIME: 10 AM - 6 PM  
COMPUTED BY: ME.  
SIZE OF STRUCTURE: 8050  
WBA TYPE: CLOUDY  
CHECKED BY: GWC



## PARKING ACCUMULATION





**KCI TECHNOLOGIES, INC.**  
ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
MOUNT VERNON, MD 21030-1888  
(410) 316-7800

### PARKING ACCUMULATION

LOCATION: REVCO, 6900 HARPORD ROAD  
LAND USE TYPE: DRUG STORE  
LOT CAPACITY: 25 MARKED AND 2 ILC SIZE OF STRUCTURE: 8050  
DAY: THURS. DATE: 11/17/94  
TIME: 10 AM - 6 PM WEATHER: CLOUDY  
COMPUTED BY: ML. CHECKED BY: GWC

TIME PERIOD	SPACES OCCUPIED	IN	OUT	PREVIOUS PERIOD
10:00-10:15 AM	4	8	7	
10:15-10:30 AM	8	8	4	
10:30-10:45 AM	6	5	7	
10:45-11:00 AM	11	8	3	
11:00-11:15 AM	7	6	10	
11:15-11:30 AM	8	9	8	
11:30-11:45 AM	10	12	10	
11:45-12:00 PM	7	9	9	
12:00-12:15 PM	14	19	12	
12:15-12:30 PM	14	7	7	
12:30-12:45 PM	11	11	14	
12:45-1:00 PM	7	7	15	
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1:15-1:30 PM	9	8	7	
1:30-1:45 PM	8	6	7	
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2:00-2:15 PM	10	9	6	
2:15-2:30 PM	11	11	10	
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3:00-3:15 PM	10	6	7	
3:15-3:30 PM	11	8	7	
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3:45-4:00 PM	13	10	7	
4:00-4:15 PM	13	9	9	
4:15-4:30 PM	11	4	6	
4:30-4:45 PM	13	10	8	
4:45-5:00 PM	12	7	8	
5:00-5:15 PM	14	4	2	
5:15-5:30 PM	16	7	5	
5:30-5:45 PM	14	6	8	
5:45-6:00 PM	11	8	8	

REV TRNS WRT

PRINT

BLOCK	SUNDAY	MONDAY	TUESDAY	THURSDAY	FRIDAY	SATURDAY	AVERAGE
ENDING: 10:00AM	47	25	35	23	19	34	31
10:00AM							
10:15AM							
10:30AM							
10:45AM							
11:00AM	43	33	28	23	32	32	32
11:15AM							
11:30AM							
11:45AM							
12:00PM	42	26	37	20	21	33	30
12:15PM							
12:30PM							
12:45PM							
1:00PM	42	21	29	25	32	33	32
1:15PM							
1:30PM							
1:45PM							
2:00PM	31	36	32	30	23	39	39
2:15PM							
2:30PM							
2:45PM							
3:00PM	32	40	42	33	35	39	37
3:15PM							
3:30PM							
3:45PM							
4:00PM	29	31	34	35	26	34	32
4:15PM							
4:30PM							
4:45PM							
5:00PM	20	38	22	39	38	30	31
5:15PM							
5:30PM							
5:45PM							
6:00PM		35	40	42	41	24	30

# KCI TECHNOLOGIES, INC.



ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
HUNT VALLEY, MD 21030-1883  
(410) 316-7000

LOCATION: RBYCO, 1725 DUNDALK AVENUE

LAND USE TYPE: DRUG STORE

LOT CAPACITY: 22 MARKED AND 2 INC

SIZE OF STRUCTURE: 10765

DATE: 11/17/94

WEATHER: CLOUDY

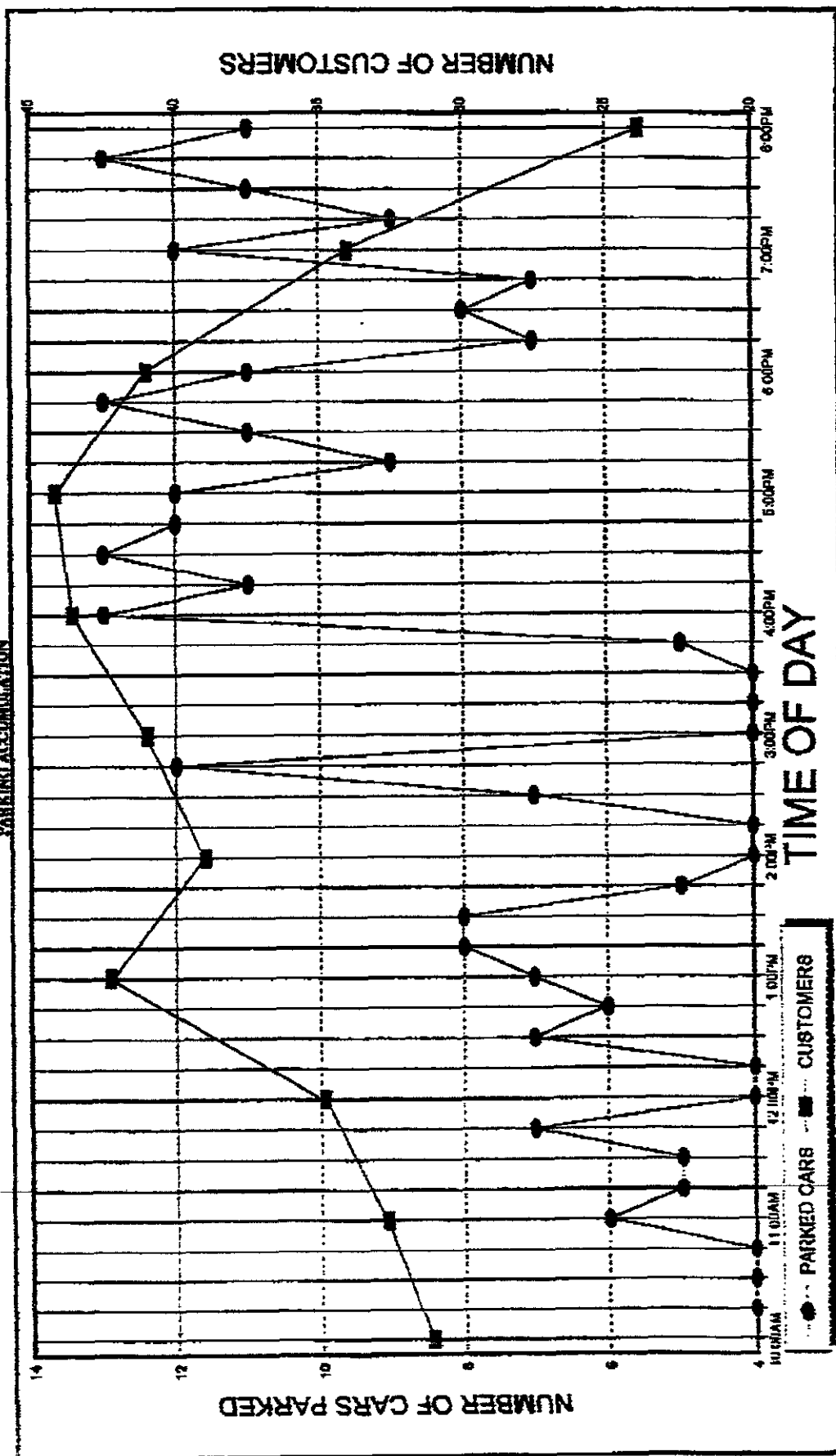
CHECKED BY: GWC

DAY: THURS.

TIME: 40 AM - 8 PM

COMPUTED BY: MC

## PARKING ACCUMULATION



PRINT

## KCI TECHNOLOGIES, INC.

ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
HUNT VALLEY, MD 21030-1898  
(410) 316-7800



## PARKING ACCUMULATION

LOCATION: REVCO, 1733 DUNDALK AVENUE  
LAND USE TYPE: DRUG STORE  
LOT CAPACITY: 21 MARKED AND 2 INC SIZE OF STRUCTURE: 10766  
DAY: THURS DATE: 11/17/94  
TIME: 10 AM - 8 PM WEATHER: CLOUDY  
COMPUTED BY: MC CHECKED BY: DMC  
PREVIOUS PERIOD

TIME PERIOD	SPACES OCCUPIED	IN	OUT	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	AVERAGE
8:00-8:15 AM	4	7	7	42	1	31	32	26	21	38	31
8:15-8:30 AM	4	3	3								
8:30-8:45 AM	4	3	3								
8:45-9:00 AM	6	3	3	35	34	33	31	24	23	40	33
9:00-9:15 AM	5	3	3								
9:15-9:30 AM	5	6	6								
9:30-9:45 AM	5	3	3								
9:45-10:00 AM	4	3	3	38	57	31	29	32	28	29	35
10:00-10:15 AM	4	6	6								
10:15-10:30 AM	4	6	6								
10:30-10:45 AM	7	6	6								
10:45-11:00 AM	7	6	6								
11:00-11:15 AM	6	6	6								
11:15-11:30 AM	6	6	6								
11:30-11:45 AM	6	6	6								
11:45-12:00 PM	6	6	6								
12:00-12:15 PM	7	6	6								
12:15-12:30 PM	7	6	6								
12:30-12:45 PM	6	6	6								
12:45-1:00 PM	7	6	6	73	29	41	33	32	39	31	42
1:00-1:15 PM	8	6	6								
1:15-1:30 PM	8	6	6								
1:30-1:45 PM	8	6	6								
1:45-2:00 PM	6	6	6	46	40	45	46	27	44	35	39
2:00-2:15 PM	6	6	6								
2:15-2:30 PM	7	6	6								
2:30-2:45 PM	12	10	10	43	44	35	41	32	50	42	41
2:45-3:00 PM	4	6	6								
3:00-3:15 PM	4	6	6								
3:15-3:30 PM	4	6	6								
3:30-3:45 PM	4	6	6								
3:45-4:00 PM	13	11	11								
4:00-4:15 PM	11	11	11	38	38	37	35	52	52	53	44
4:15-4:30 PM	12	11	11								
4:30-4:45 PM	12	6	6								
4:45-5:00 PM	12	6	6	44	48	38	49	34	48	48	44
5:00-5:15 PM	8	7	7								
5:15-5:30 PM	11	7	7								
5:30-5:45 PM	13	7	7								
5:45-6:00 PM	11	6	6	28	47	44	44	43	43	39	41
6:00-6:15 PM	7	4	4								
6:15-6:30 PM	8	10	10								
6:30-6:45 PM	7	4	4								
6:45-7:00 PM	12	7	7	35	31	42	36	38	33	53	34
7:00-7:15 PM	9	7	7								
7:15-7:30 PM	11	8	8								
7:30-7:45 PM	13	7	7								
7:45-8:00 PM	11	4	4								
8:00-8:15 PM	11	4	4	23	23	24	23	31	28	26	24

RIV (BUND) WHI PRINT11

# KCI TECHNOLOGIES, INC.

ENGINEERS AND PLANNERS  
10 NEWELL PARK DRIVE  
JANET VALLEY, MD 21039-1888  
(410) 316-7900



LOCATION: BEVCO, LIBERTY RD. & ROLLING RD.

LAND USE TYPE: DRUG STORE

LOT CAPACITY:

DAY: TUESDAY

TIME: 10 AM - 8 PM

COMPUTED BY:

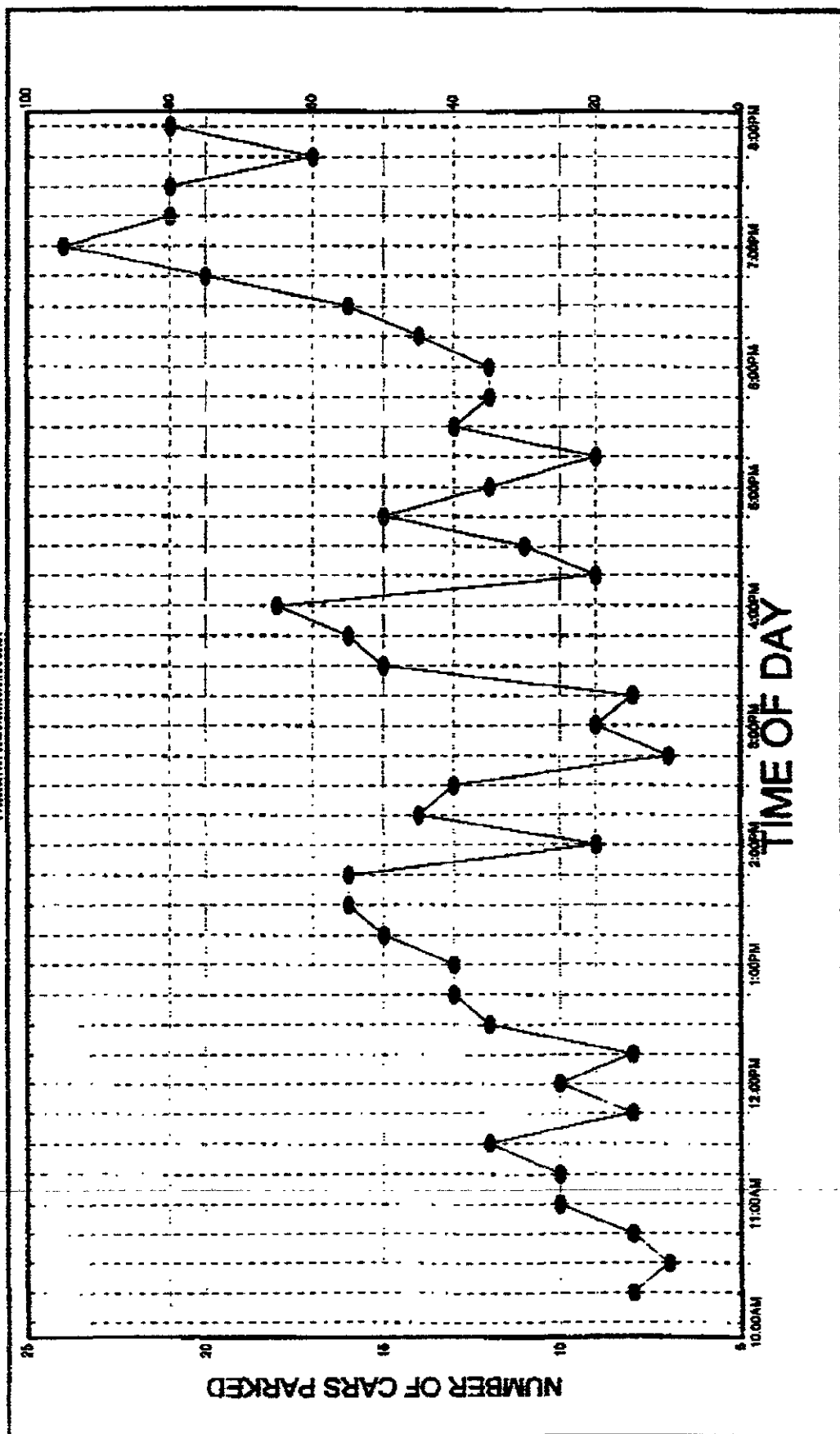
SIZE OF STRUCTURE:

DATE: 12/12/95

WEATHER:

CHECKED BY:

## PARKING ACCUMULATION



**KCI TECHNOLOGIES, INC.**

ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
HUNT VALLEY, MD 21030-1888  
(410) 316-7800

**PARKING ACCUMULATION**

LOCATION: REVCO, LIBERTY RD. &amp; ROLLING RD.

LAND USE TYPE: DRUG STORE

LOT CAPACITY:

DAY: TUESDAY  
TIME: 10 AM - 8 PM

SIZE OF STRUCTURE:

DATE: 12/12/95

WEATHER:

COMPUTED BY:

CHECKED BY:

TIME PERIOD	SPACES OCCUPIED	PREVIOUS PERIOD	
		IN	OUT
10:00-10:15 AM	8	8	8
10:15-10:30 AM	7	7	8
10:30-10:45 AM	8	6	5
10:45-11:00 AM	10	6	4
11:00-11:15 AM	10	9	9
11:15-11:30 AM	12	8	6
11:30-11:45 AM	8	7	11
11:45-12:00 PM	10	2	0
12:00-12:15 PM	8	4	6
12:15-12:30 PM	12	7	3
12:30-12:45 PM	13	9	8
12:45-1:00 PM	13	8	8
1:00-1:15 PM	15	9	7
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1:30-1:45 PM	16	10	10
1:45-2:00 PM	9	5	12
2:00-2:15 PM	14	11	6
2:15-2:30 PM	13	5	6
2:30-2:45 PM	7	3	9
2:45-3:00 PM	9	8	6
3:00-3:15 PM	8	5	6
3:15-3:30 PM	15	15	8
3:30-3:45 PM	16	11	10
3:45-4:00 PM	18	5	3
4:00-4:15 PM	9	6	15
4:15-4:30 PM	11	9	7
4:30-4:45 PM	15	12	8
4:45-5:00 PM	12	4	7
5:00-5:15 PM	9	9	12
5:15-5:30 PM	13	9	5
5:30-5:45 PM	12	9	10
5:45-6:00 PM	12	7	7
6:00-6:15 PM	14	13	11
6:15-6:30 PM	16	8	6
6:30-6:45 PM	20	10	6
6:45-7:00 PM	24	13	9
7:00-7:15 PM	21	6	9
7:15-7:30 PM	21	4	4
7:30-7:45 PM	17	6	10
7:45-8:00 PM	21	12	8

# KCI TECHNOLOGIES, INC.

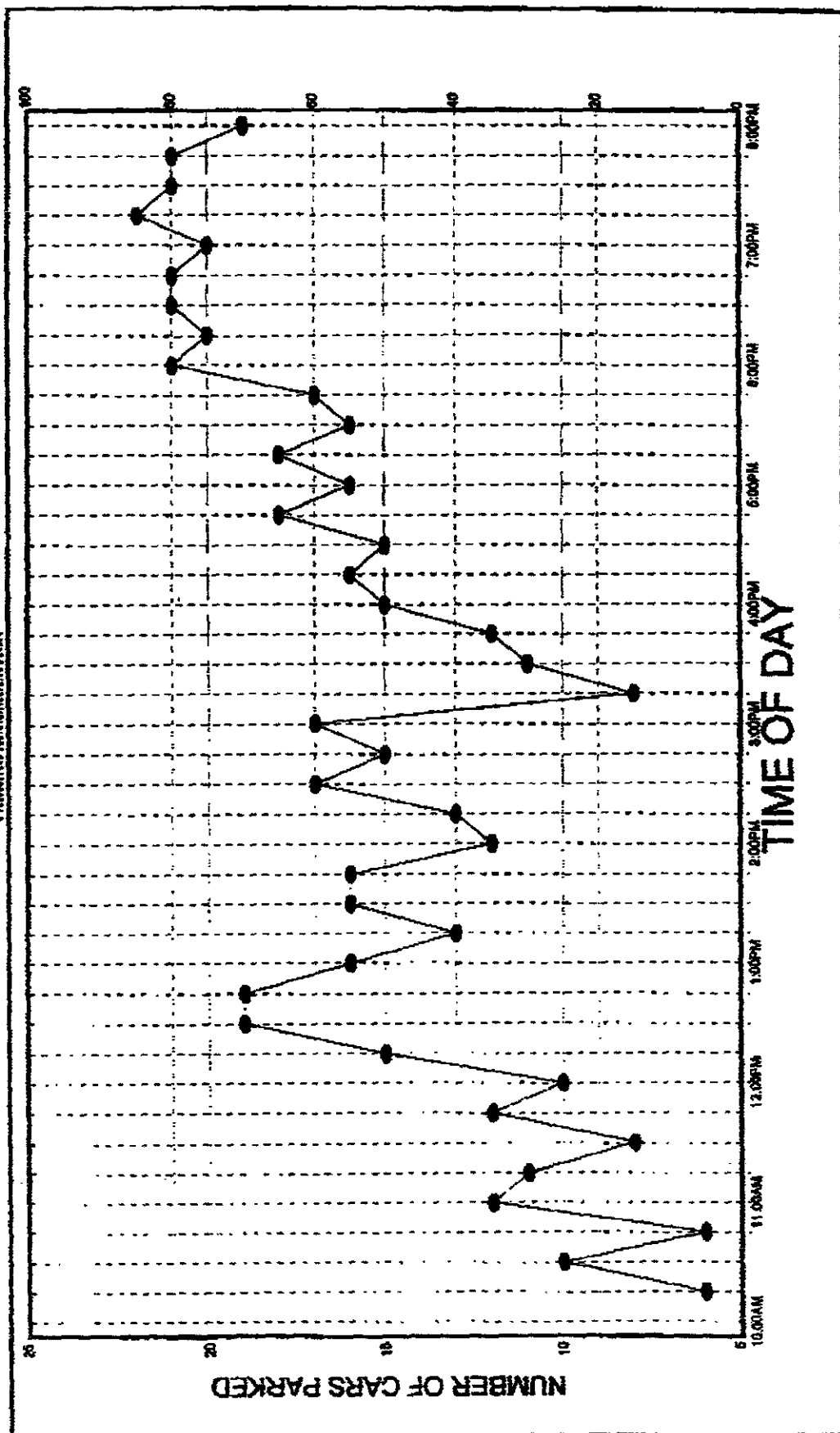
ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
IRVING VALLEY, NY 10316-1000  
(914) 316-7900



LOCATION: REVCO, WINTERS LANE  
LAND USE TYPE: DRUG STORE  
LOT CAPACITY: 100  
DAY: TUESDAY  
TIME: 10 AM - 8 PM  
COMPUTED BY:

SIZE OF STRUCTURE: 12112PS  
DATE: 12/12/93  
WEATHER:  
CHECKED BY:

## PARKING ACCUMULATION



**KCI TECHNOLOGIES, INC.**

ENGINEERS AND PLANNERS  
10 NORTH PARK DRIVE  
HUNT VALLEY, MD 21030-1888  
(410) 316-7800

**PARKING ACCUMULATION**

LOCATION: REVCO, WINTERS LANE

LAND USE TYPE: DRUG STORE

LOT CAPACITY:

SIZE OF STRUCTURE:

DAY: TUESDAY  
TIME: 10 AM - 8 PM

DATE: 12/12/95  
WEATHER:

COMPUTED BY:

CHECKED BY:

TIME PERIOD	SPACES OCCUPIED	PREVIOUS PERIOD	
		IN	OUT
10:00-10:15 AM	6	8	7
10:15-10:30 AM	10	12	8
10:30-10:45 AM	6	6	10
10:45-11:00 AM	12	10	4
11:00-11:15 AM	11	6	7
11:15-11:30 AM	8	7	10
11:30-11:45 AM	12	9	5
11:45-12:00 PM	10	7	9
12:00-12:15 PM	15	10	5
12:15-12:30 PM	19	11	7
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12:45-1:00 PM	16	9	12
1:00-1:15 PM	13	6	9
1:15-1:30 PM	16	8	5
1:30-1:45 PM	16	8	8
1:45-2:00 PM	12	10	14
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2:30-2:45 PM	15	10	12
2:45-3:00 PM	17	15	13
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4:00-4:15 PM	16	10	9
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4:45-5:00 PM	16	10	12
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5:15-5:30 PM	16	4	6
5:30-5:45 PM	17	6	5
5:45-6:00 PM	21	16	12
6:00-6:15 PM	20	5	6
6:15-6:30 PM	21	8	7
6:30-6:45 PM	21	6	6
6:45-7:00 PM	20	4	5
7:00-7:15 PM	22	7	5
7:15-7:30 PM	21	5	4
7:30-7:45 PM	21	4	4
7:45-8:00 PM	19	3	5



IN RE. PETITION FOR VARIANCE  
SW/Corner Wise Avenue & Lynch Road  
(7845 Wise Avenue)  
12th Election District  
7th Councilmanic District  
Zimmer Development Company  
of Maryland, Inc.  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 96-208-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7845 Wise Avenue, located in the vicinity of Lynch Road in Dundalk. The Petition was filed by the owner of the property, Zimmer Development Company of Maryland, Inc., by Jeffrey L. Zimmer, through his attorney, Thomas J. Gisriel, Esquire. The Petitioner seeks relief from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12 feet in lieu of the required front average of 84 feet, and from Section 409.6 of the B.C.Z.R. to permit 41 parking spaces in lieu of the required 54 for a proposed Revco Drug Store. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas F. Cofer and Bob Schammerling, representatives of Zimmer Development Company, Inc., legal owner of the subject property, Richard L. Smith and John W. Erdman, Professional Engineers with KCI Technologies, Inc., who prepared the site plan for this project, and Thomas J. Gisriel, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 1.153 acres, more or less, zoned B.L.-C.N.S..

and is the site of an abandoned restaurant, gas station and retail store. The Petitioner is desirous of razing the existing structures and constructing a one-story building of 10,700 sq.ft. for use as a Revco Drug Store, in accordance with Petitioner's Exhibit 1. Due to the location of a large drainage and utility easement which runs through the western half of the subject lot, the building cannot be centered on the lot, or located to the rear of the property. Thus, the requested variance from front setback requirements is necessary. Further testimony revealed that the size of the lot and the use proposed thereon dictates that 54 parking spaces must be provided; however, due to the site constraints noted above, only 41 parking spaces are available.

Mr. Erdman, an expert traffic engineer with KCI Technologies, Inc., submitted a parking study which had been performed for Revco Drug Stores located elsewhere in Baltimore County and Baltimore City. This study concluded that the actual number of parking spaces utilized by customers at these Revco Drug Stores is far less than that which is required by the B.C.Z.R. Therefore, Mr. Erdman concluded, and his study corroborated, that the 41 spaces to be provided by the Petitioner will be more than adequate to serve the subject site.

Testimony revealed that Revco is in the process of relocating its drug store operations from strip shopping centers to freestanding sites. The Petitioner has chosen this particular site to locate one of its stores. The proposed construction will be a tremendous improvement to the abandoned uses currently on the site and be an asset to the surrounding community.

Testimony also demonstrated that the Petitioner is eliminating the previous driveway access that was located close to the intersection of

Wise Avenue and Lynch Road. This will improve traffic flow at this intersection and provide safer access to the subject site.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Lovola Federal Savings and Loan Association v. Buschman,

227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Lovola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The precepts of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 2 -

- 3 -

- 4 -

ORDER RECEIVED FOR FILING  
Date 12/29/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 12/29/95  
By [Signature]

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29<sup>th</sup> day of December, 1995 that the Petition for Variance seeking relief from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 12 feet in lieu of the required front average of 84 feet, and from Section 409.6 of the B.C.Z.R. to permit 41 parking spaces in lieu of the required 54 for a proposed Revco Drug Store, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any building permits, the Petitioner shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. A copy of the approved plan shall be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

December 29, 1995

Thomas J. Gisriel, Esquire  
301 Dulaney Valley Road, Suite 400  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SW/Corner Wise Avenue & Lynch Road  
(7845 Wise Avenue)  
12th Election District - 7th Councilmanic District  
Zimmer Development Company of Maryland, Inc. - Petitioner  
Case No. 96-208-A

Dear Mr. Gisriel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Messrs. Thomas F. Cofer and Bob Schammerling, Zimmer Development Company, Inc., 111 Princes Street, Wilmington, NC 28041

Messrs. Richard L. Smith and John W. Erdman, KCI Technologies, Inc.  
10 North Park Drive, Hunt Valley, MD 21030

People's Counsel

Case File



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7845 Wise Avenue  
which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409.6 (off-street parking) To allow a front yard setback of 12 feet in lieu of the (Minimum) front average requirement of 84 feet and to 303.2 (front yard setback) allow 41 parking spaces in lieu of the required 54.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Practical Difficulty. Strict compliance with off-street parking requirements and front yard setback would be unnecessarily burdensome. Operating experience of Revco indicates that the off-street parking provided will be sufficient for this store. The drainage and utility easement on the west side of the property make it necessary that the building be placed on the east side of the property, making the front yard setback unnecessarily burdensome. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:	Legal Owner:
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City	City
State	State
Zipcode	Zipcode
Authority for Petitioner:	Authority for Petitioner:
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City	City
State	State
Zipcode	Zipcode
Phone No.	Phone No.
ESTIMATED LENGTH OF HEARING	ESTIMATED LENGTH OF HEARING
the following date	the following date
RECEIVED BY	RECEIVED BY
DATE	DATE





**ZONING DESCRIPTION  
REVCO AT WISE AVENUE  
12TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND**

Description to accompany petition for variances at 7845 Wise Avenue.

BEGINNING FOR THE SAME at a point on the southerly side of Wise Avenue where it meets the fillet curve of the westerly right-of-way line of Lynch Road, 60 feet wide, thence leaving Wise Avenue and running on the west side of Lynch Road,

- 1) Southerly by a curve to the right 28.82 feet, said curve having a radius of 20 feet and a chord of South 22 degrees 27 minutes 03 seconds East 26.39 feet, thence
- 2) South 18 degrees 49 minutes 38 seconds West 182.29 feet, thence leaving Lynch Road
- 3) North 62 degrees 16 minutes 17 seconds West 215.97 feet, thence
- 4) North 28 degrees 51 minutes 04 seconds East 197.04 feet to Wise Avenue, thence
- 5) South 61 degrees 30 minutes 05 seconds East 51.10 feet and
- 6) Southeasterly by a curve to the left 112.56 feet to the point of beginning, said curve having a radius of 2894.79 feet and a chord of South 62 degrees 36 minutes 55 seconds East 112.55 feet. Containing 0.895 acres of land more or less.

AP/tyv

01-95012

November 2, 1995



206

**CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland**

District 12th Date of Posting 11/16/95  
 Posted for: Variances  
 Petitioner: Zimmer Development Co. of Md. Inc.  
 Location of property: 7845 Wise Ave.  
 Location of Sign: Leaving notice on property being zoned  
 Remarks: \_\_\_\_\_  
 Posted by: [Signature] Date of return: 12/6/95  
 Number of Signs: 1

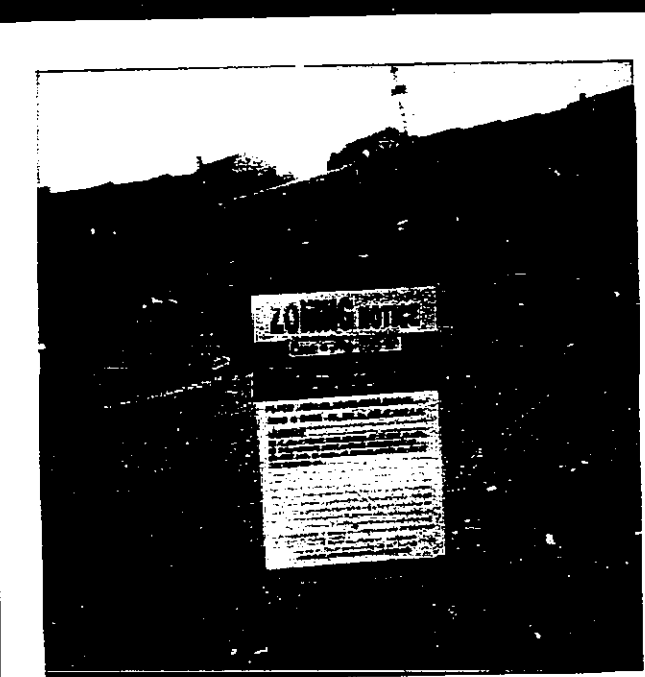
BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

DATE 11-14-95 ACCOUNT R-001-6150  
 AMOUNT \$ 285.00

RECEIVED FROM: Hodas Ulman Pessin & Katz  
owner: Zimmer Development Co. of Md., LLC  
Site: 7845 Wise Ave

FOR: 2020 - Commercial Variance \$ 285.00  
5080 - Sign \$ 285.00

VALIDATION OR SIGNATURE OF CASHIER Total \$ 285.00



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 206  
 Petitioner: Zimmer Development Company of Maryland, LLC  
 Location: 7845 Wise Avenue  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: Thomas J. Gisriel  
 ADDRESS: Suite 400, 910 Dulany Valley Road  
Towson, MD 21204  
 PHONE NUMBER: (410) 954-8600

AJ:ggs

(Revised 04/09/93)

TO: PITTENBERG PUBLISHING COMPANY  
 November 20, 1995 Issue - Jeffersonian

Please forward billing to:

Thomas J. Gisriel  
 901 Dulany Valley Road  
 Suite 400  
 Towson, MD 21204  
 538-6800

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-208-A (Item 206)  
 7845 Wise Avenue - Revco  
 SMC Wise Avenue and Lynch Road  
 12th Election District - 7th Councilmanic  
 Legal Owner: Zimmer Development Company of Maryland, LLC

Variance to allow a front yard setback of 12 feet in lieu of the (minimum) front average requirement of 84 feet and to allow 41 parking spaces in lieu of the required 54

HEARING: FRIDAY, DECEMBER 15, 1995 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHULTZ  
 ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

December 1, 1995

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-208-A (Item 206)  
 7845 Wise Avenue - Revco  
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HEARING: FRIDAY, DECEMBER 15, 1995 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
 Director

cc:

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
 (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
 (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

December 7, 1995

Thomas J. Gisriel  
 901 Dulany Valley Road  
 Suite 400  
 Towson, MD 21204

RE: Item No.: 206  
 Case No.: 96-208-A  
 Petitioner: Zimmer Development Co.

Dear Mr. Gisriel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioners, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
 Zoning Supervisor

WCR/jw  
 Attachment(s)

**BALTIMORE COUNTY, MARYLAND  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
 INTER-OFFICE CORRESPONDENCE**

TO: Mr. Arnold Jablon, Director  
 Zoning Administration and  
 Development Management  
 DATE: December 14, 1995  
 FROM: J. Lawrence Pilson  
 Development Coordinator, DEPRM  
 SUBJECT: Zoning Item #206 - Revco  
 7845 Wise Avenue  
 Zoning Advisory Committee Meeting of November 27, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

**Ground Water Management**

On July 20, 1989 three (3) underground fuel storage tanks were removed and evidence of contamination was present. Consequently four (4) monitoring wells were installed and sampled for volatile organic compounds (VOC'S) by Handex in November 1989. No free phase hydrocarbons were detected but dissolved hydrocarbons were present in the groundwater beneath the site. Additional work was proposed but our file contains no recent information. This case should be under the jurisdiction of Maryland Department of the Environment (MDE).

The proposed building appears to be sited over the existing wells. It is recommended that the owner or agent contact MDE regarding the administration's disposition on this case. If the case has been formally closed by MDE, then it would be imperative that the monitoring wells be properly abandoned by a licensed well driller if this has not already been addressed. Well abandonment reports would be required. Should this case require additional work at the request of MDE, then the placement of the proposed structure may jeopardize the ability to perform the work.

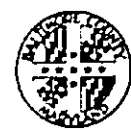
JLP:WWE:sp  
 REVCOZ/DEPRM/TXTSBP

**BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
 Zoning Administration and Development Management  
 DATE: Dec. 5, 1995  
 FROM: Robert W. Bowling, P.E., Chief  
 Development Plans Review Division  
 RE: Zoning Advisory Committee Meeting  
 for December 4, 1995  
 Item No. 206

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the previous Limited Exemption plan comments dated 9-20-95 and 11-16-95.

RWB:sw



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/01/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW  
LOCATION: DISTRIBUTION MEETING OF NOV. 27, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 205, 206, 207, 208, 209, 210, 211, 213 AND 214.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, M5-1102F

CC: File

David L. Winslead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 206 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

# PETITION PROBLEMS

## #170 (Revisions) — JJS

1. No telephone number for legal owner.
2. Review information on bottom of petition form not completed.

## #206 — JJS

1. Need authorization for person to sign for legal owner.
2. No address or telephone number for legal owner.

## #207 — JJS

1. Plat says legal owner is Penske Truck Leasing Company; petition says Robert E. Frankel — Which is correct??

## #208 — MJK

1. No signature for legal owners (Robert & Salvatore Yoviene).

## #210 — JCM

1. No item number on papers in folders.
2. Review information on bottom of petition form not completed.

## #214 — JJS

1. No zip code for legal owner.

RE: PETITION FOR VARIANCE  
7845 Wise Avenue (Revco), SWC Wise Ave  
and Lynch Road, 12th Election District,  
7th Councilmanic  
Zimmer Development Co. of Maryland, LLC  
Petitioner  
\* \* \* \* \*  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-208-A  
\* \* \* \* \*

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demillo*  
CAROLE S. DEMILLO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

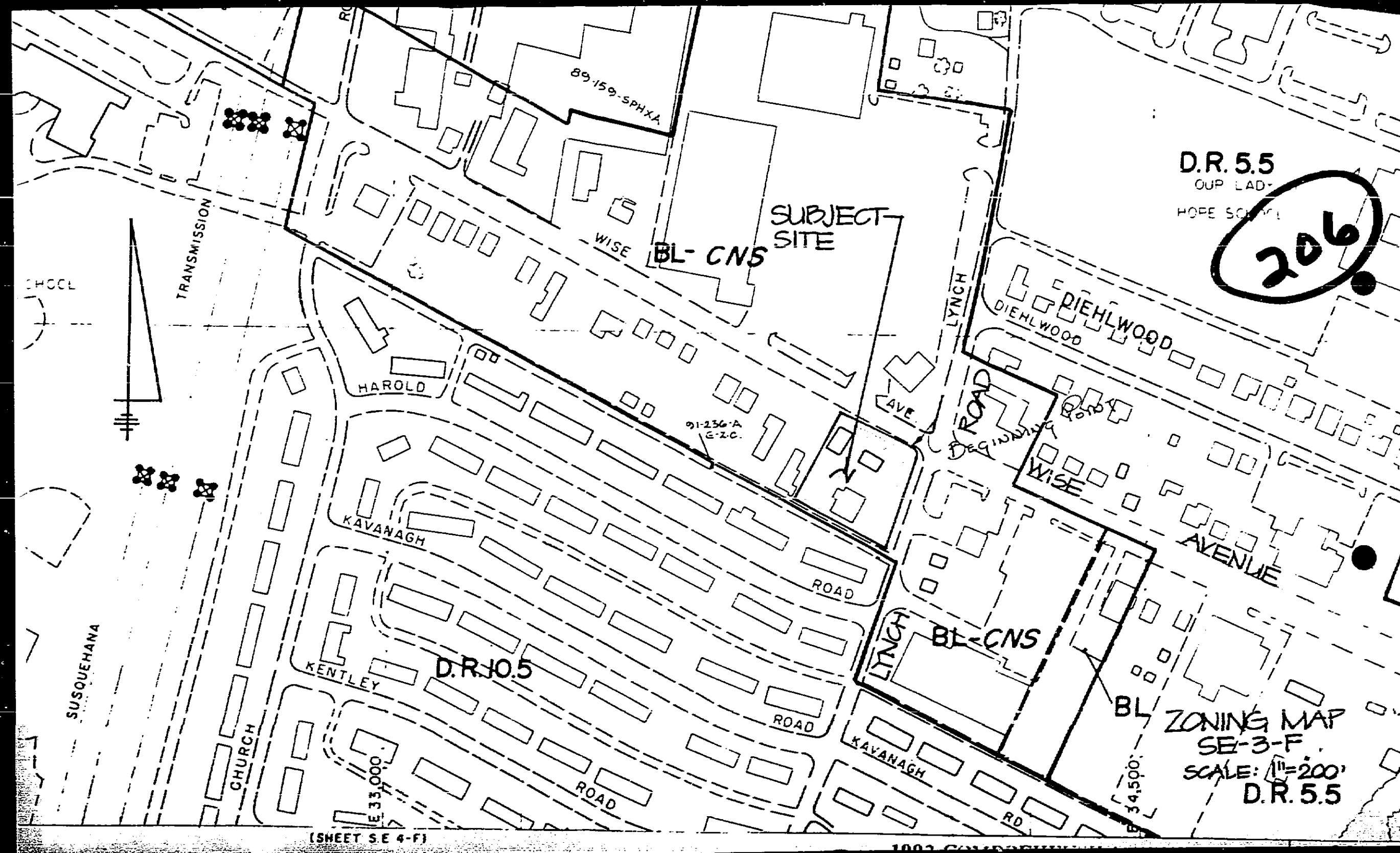
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Gisriel, Esquire, 901 Dulany Valley Road, Suite 400, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Richard L. Smith	K.C.I. Technologies, Inc.
Thomas J. Gisriel	921 Dunbar Valley Rd.
John W. Erickson	KCI TECHNOLOGIES, Inc.
Howard J. Coffey	ZIMMER DEVELOPMENT
Bob Schaeffer, Inc.	Zimmer Development



## SUMMARY OF TESTIMONY

### PARKING SUPPLY

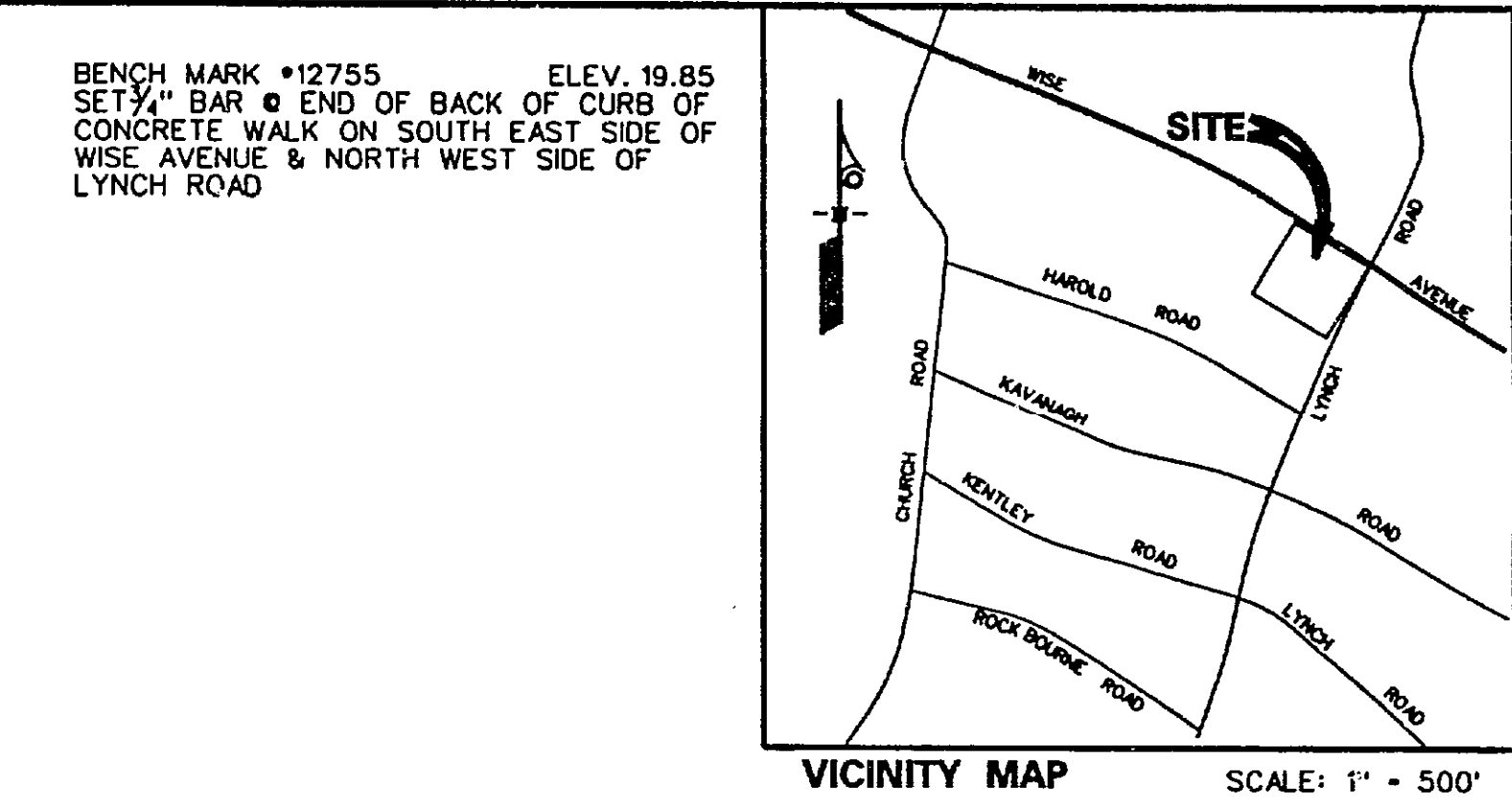
Location	# Spaces Provided	Store Size	Max. # Spaces Occupied	Max. # Customers Per Hour
6910 Harford Road	27	8,050	16	39
1725 Dundalk Avenue #2712	24	10,766	13	44
Liberty/Rolling Roads	44	9,960	24	-
Edmondson Avenue/Winner Lane	41	10,650	22	-
Wise Avenue/Lynch Road	41	10,700	-	-

### PARKING RATIOS

Location	# Spaces Provided	Store Size	# Spaces 1,000 SF
6910 Harford Road #366	27	8,050	3.35
1725 Dundalk Avenue #2712	24	10,766	2.23
Liberty/Rolling Roads	44	9,960	4.42
Edmondson Avenue/Winner Lane	41	10,650	3.85
Wise Avenue/Lynch Road	41	10,700	3.83
BCZR	-	-	5

\*77% of BCZR





- 206

NOTE: I, RICHARD L. SMITH CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

NOTE: TOTAL DISTURBED AREA = 38,973 SQ. FT. :

LIMITATIONS OF SOILS				
SOIL SERIES AND SYMBOL	HYDRO CLASS	WITH BASEMENTS	WITHOUT BASEMENTS	STREETS AND PARKING
SASSAFRAS Snb	B	LIGHT	LIGHT	MODERATE: SLOPE


INFORMATION TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 48

SITE CONSISTS ENTIRELY OF SOILS - Snb

SITE NOTES:

1. OWNER: ZIMMER DEVELOPMENT COMPANY  
OF MARYLAND, L.L.C.
2. DEED REFERENCE: SM 10930-135,  
SM 10877-375
3. TAX ACCOUNT NUMBER: 12-80-037080:  
12-19-051940
4. CENSUS TRACT - 4204-02
5. ELECTION DISTRICT NUMBER - 12
6. COUNCILMANIC DISTRICT NUMBER - 7
7. WATERSHED - 35
8. SUBSEWERSHED - 42
9. PDM NUMBER - XII-124
10. PROJECT NO. 95145



Drafting S.L.	DATE	REVISIONS	 <b>ENGINEERS AND PLANNERS</b> 18 NORTH PARK DRIVE ELKINT VALLEY, MARYLAND 20839 (301) 316-7700	OWNER/DEVELOPER	<b>DEVELOPMENT PLAN &amp; PLAT TO ACCOMPANY PETITION FOR VARIANCES</b> <b>PROPOSED REVCO STORE</b> <b>WISE AVENUE AND LYNCH ROAD</b>  12TH ELECTION DISTRICT	SHEET 1 OF 1	DATE	JOB
Check R.L.S.	10-28-95	SITE PLAN REVISED: PARING AND INCREASE ON LYNCH		ZIMMER DEVELOPMENT COMPANY			AUGUST, 1995	NUMBER
Design R.L.S.B.S		10. REVEALED SLOPE AND A REVISED PARING REVCO PLAN PER		C/O MR. THOMAS COFER				
Check M.A.E.	11-07-95	WALDO CO. COMMENTS		111 PRINCESS ST.				
		Added "Beginning Point" A		WILMINGTON, NC 28041				
			(615) 888-4756					01-95012A